

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Amy J. St. Eve	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 4914	DATE	12/20/2010
CASE TITLE	Daniel et al vs. City of Chicago et al		

DOCKET ENTRY TEXT

The Court grants Plaintiffs' motion in limine #4 [88] without prejudice.

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

Before the Court is Plaintiffs' motion in limine #4 (R. 88), which seeks to bar Defendants from using Plaintiffs' unverified complaint as evidence or to impeach Plaintiffs at trial. Plaintiffs contend that because the complaint is an unsworn statement prepared by counsel, it cannot be used for impeachment purposes. Rather than provide a legal argument for why the unsworn statement may be admissible, Defendants sweepingly contend that "any documents can be used for impeachment purposes." *See* R. 97, Defs.' Resps. to Pls.' Mots. in Limine, at 6. This statement finds no support in the Federal Rules of Evidence or in case law. Since the allegations contained in Plaintiffs' complaint were not made under oath, they may not be used as prior statements of the Plaintiffs to impeach them. *See Bolden v. Ramos*, No. 93 C. 3416, 1996 WL 66135, at *4 (N.D. Ill. Feb. 13, 1996). The Court grants Plaintiffs' motion in limine #4 without prejudice.

Courtroom Deputy
Initials:

KF